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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/726,962	11/30/2000	Eshwar Pittampalli	14-1	1700

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EXAMINER

NGUYEN, SIMON

ART UNIT PAPER NUMBER

2685

DATE MAILED: 12/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/726,962

Applicant(s)

PITTAMPALLI ET AL.

Examiner

SIMON D NGUYEN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4, 6-9, and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Padovani et al. (6,151,502) in view of Chheda et al. (6,038,448).

Regarding claim 1, Padovani discloses a method for recovery a call (a handoff call) between a wireless unit (mobile station) and a mobile communication system (fig.2, column 2 lines 4-5), comprising the steps of:

establishing by the wireless unit, independent of the wireless communication system a first set of serving base stations and updating to a second set of base stations based on information known to be at both the wireless unit and the wireless communication when measured pilot signals of the base stations are below or above threshold (e.i. the base station is dropped when the pilot signal is below a threshold), the communication between the wireless unit and first set of serving base station is lost such that the second set of base station is established both at the wireless communication system and the wireless unit without requiring communication between the first set of serving base station and the wireless unit (fig.6, column 3 line 59 to column 4 line 25, column 8 line 31 to column 9 line 5); and communicating with the second set of serving base

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station to continue the call (column 4 lines 17-25). However, Padovani does not specifically disclose that the wireless unit establishes with the second set of base stations after a first set of base stations is lost or dropped.

Chheda discloses the same type of invention in which a mobile unit establish the connection to a second set of base stations after a first set of base stations is dropped based on PSMM (figs.2-4, column 2 line 35 to column 10). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have Padovani, modified by Chheda to connect a mobile station to a new set of base station in order to prevent a disrupted call.

Regarding claims 2-3, in the modified Padovani, Chheda further discloses a step of using a channel (Pilot Strength Measurement Message) which can be determined at both the wireless communication system and at the wireless unit before, the communication is lost (dropped) between the wireless unit and the first set of serving base station to receive communications from the at least one of the second set of base station after the communication is lost (dropped) with the first set of serving base station (figs.2-4, column 2 line 35 to column 10).

Regarding claim 4, in the modified Padovani, Padovani discloses the step of changing further comprises designating base stations in the candidate set as active (column 3 lines 62-64, column 8 line 67 to column 9 line 1).

Regarding claim 6, this claim is rejected for the same reason as set forth in claim 1, wherein the method of determining the revised active set and replacing the active set with the revised active set are performed by the base station controller (mobile

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communication system) in attempting to set up the communications with a mobile station (fig. 5, column 3 lines 31-58, column 7 line 64 to column 8 line 22).

Regarding claim 7, this claim is rejected for the same reason as set forth in claim 2.

Regarding claim 8, this claim is rejected for the same reason as set forth in claim 3.

Regarding claim 9, this claim is rejected for the same reason as set forth in claim 4.

Regarding claim 11, this claim is rejected for the same reason as set forth in claim 1, wherein Padovani discloses a mobile station having a control processor (the claimed processing circuit)(62 of fig.3) for performing the steps in claim 1.

Regarding claim 12, this claim is rejected for the same reason as set forth in claim 6, wherein Padovani discloses a base station controller having a control processor (the claimed processing circuit) (20 of fig.4) for performing the steps in claim 6.

3. Claims 5 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Padovani et al. (6,151,502) and Chheda et al. (6,038,448), and further in view of Tiedemann, Jr. et al. (6,216,004).

Regarding claim 5, in the modified Padovani, Padovani further discloses the network allocates channels for performing communication between the mobile station and the base stations in the revised active list (column 8 lines 7-17). However, the modified Padovani does not specifically disclose the mobile station receives a channel assignment message over a control channel from a candidate base station.

Tiedemann, Jr., in the same field of invention, discloses a method for handoff a call in a mobile communication system (fig.2) in which a BSC causes base stations participated in handoff (designated candidate base stations) transmit a channel assignment message wherein the channel assignment message is transmitted to a mobile station over a forward control channel (column 16 lines 11-20, 55-58). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to modify the modified Padovani with the channel assignment message as taught by Tiedemann, Jr. to inform a mobile station what channel used to connect the mobile station to a second set of base station in order to prevent a disrupted call.

Regarding claim 10, this claim is rejected for the same reason as set forth in claim 5.

Response to Arguments

4. Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection.

The Chheda reference discloses a communication system in which a mobile station selects a second set of base stations after a first set of base stations is dropped due to decrease in call quality (lost) as the mobile is moving from one area to another.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Simon Nguyen whose telephone number is (703) 308-1116. The examiner can normally be reached on Monday-Friday from 7:00 AM to 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward F. Urban, can be reached on (703) 305-4385.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 306-0377.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

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Washington, D.C. 20231

Or faxed to:

(703) 872-9314, (for formal communications intended for entry)

Hand-delivered response should be brought to Crystal Park II,

2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Simon Nguyen

December 9, 2003

Simon Nguyen

Quochien B. Vuong

**QUOCHIEN B. VUONG
PRIMARY EXAMINER**